

Exhibit A

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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 **ABANTE ROOTER AND PLUMBING,**
13 **INC.,** individually and on behalf of all others
14 similarly situated,

15 Plaintiff,

16 v.

17 **UNLOCKED BUSINESS STRATEGIES,**
18 **INC.,** a New York corporation, **THOMAS R.**
19 **COSTA,** an individual, and **MERCHANT**
20 **INDUSTRY, LLC d/b/a SWIPE4FREE,** a
21 New York limited liability company,

22 Defendants.

Case No. 4:19-cv-07966-JST

23 **AFFIDAVIT IN SUPPORT OF**
24 **PLAINTIFF'S REQUEST FOR ENTRY**
25 **OF DEFAULT AGAINST NON-**
26 **APPEARING DEFENDANTS**

27 I, Taylor T. Smith, declare under penalty of perjury that the following facts are true and
28 correct to the best of my information and belief:

- 29 1. I am one of the attorneys for Plaintiff Abante Rooter and Plumbing, Inc.
30 ("Plaintiff" or "Abante") and the alleged Class in the above captioned matter. I am over the age
31 of 18 and can competently testify to the matters set forth herein if called upon to do so.
- 32 2. Plaintiff's Complaint was filed on December 4, 2019 against Defendant Unlocked
33 Business Strategies, Inc. ("UBS"). (Dkt. 1.)
- 34 3. A Summons directed to UBS was issued on December 5, 2020. (Dkt. 5.)

1 4. Plaintiff filed its First Amended Complaint on February 17, 2020 (dkt. 15), which
2 added Thomas R. Costa (“Costa”) as a defendant. The Court issued a Summons directed to Costa
3 on February 18, 2020. (Dkt. 17.)

4 5. On April 20, 2020, Plaintiff then filed its Second Amended Complaint, which
5 added Merchant Industry, LLC d/b/a Swipe4Free (“Swipe4Free”) as a defendant. (Dkt. 25.)

6 6. On April 21, 2020, the Court issued a Summons directed to Swipe4Free. (Dkt. 27.)

7 7. On April 22, 2020, Plaintiff, via process server, served UBS with a copy of the
8 Complaint and Summons (dkt. 32), placing its deadline to respond to Plaintiff’s Complaint on or
9 before May 13, 2020.

10 8. On April 24, 2020, Plaintiff, via process server, served Swipe4Free with a copy of
11 the Complaint and Summons (dkt. 33), placing its deadline to respond to Plaintiff’s Complaint on
12 or before May 15, 2020.

13 9. On May 5, 2020, Plaintiff, via process server, served Costa with a copy of the
14 Complaint and Summons (dkt. 34), placing his deadline to respond to Plaintiff’s Complaint on or
15 before May 26, 2020.

16 10. To date, none of the defendants have reached out to Plaintiff, filed an answer, or
17 otherwise responded.

18 11. Therefore, Plaintiff requests that the Court enter default against Defendants UBS,
19 Swipe4Free, and Costa.

20 Further affiant sayeth not.

21 I declare under penalty of perjury that the foregoing is true and correct and that this
22 declaration was executed in the State of Colorado, on July 2, 2020.

23
24 Respectfully,

25 /s/ Taylor T. Smith
26 Taylor T. Smith
27
28